

**Nolensville Planning Commission
Regular Meeting
Nolensville Elementary School
September 11, 2007, 7:00 p.m.**

Members in attendance were Chair Rick Owens, Members Jimmy Alexander, Andy Grosson, Bob Haines, Matt Happel, Mayor Beth Lothers, Debbie Riddle, Willis Wells, and Frank Wilson. Staff present was Attorney Bob Notestine, Town Planner Henry Laird, and Town Recorder Cindy Lancaster.

I. Call Meeting to Order

The meeting was called to order at 7:00 p. m. by Chair Rick Owens.

II. Pledge of Allegiance

The Pledge of Allegiance was led by Andy Grosson. Mr. Willis Wells led the group in prayer.

III. Approval of Minutes

Commissioner Wilson made a motion to approve the minutes, Commissioner Riddle seconded the motion. The minutes were approved unanimously.

IV. Announcements

Mayor Lothers noted that there have been a couple of questions in regards to the steel that has been used on the realignment of Rocky Fork Road. She stated that this is for rebar that is being used and is a total cost of about \$350.00. She noted that this has gotten blown out of proportion and she wanted to clarify this cost.

Chair Owens noted that he was glad to have the Mayor back noting she was recently in the hospital.

Chair Owens announced that if a citizen has a comment to please step to the podium and give their name and affiliation if attending the meeting on a certain project. He noted that if a citizen is commenting to please give their name and address. He further noted that there would be time allowed to speak before each item on the agenda.

V. Citizen Comments

Mr. Charles Lawson, 2531 York Road, stated that he was in attendance and speaking on behalf of Ms. Paulette Sullivan. He noted that she resides across from the newly constructed Electronics Express on Nolensville Road. She ask that Don Swartz review these plans to make sure this is being handled properly.

Mayor Lothers stated that she had spoken to Don and he is aware of this issue. She added that there is a meeting scheduled with her and Don tomorrow.

VI. New Business

Subdivision Review:

Catalina Amenities Center Site Plan

Mr. Nicky Wells with Turnberry Homes a builder for Catalina Subdivision and Mr. Marty McKee, Architect of this development was in attendance and spoke on behalf of this site plan. Mr. Wells noted that they were in attendance if this Commission had questions. Mr. Wells gave an overview of the previous actions that this Commission had taken noting on July 10th approval was given for this project.

Planner Laird stated that staff has reviewed this, in addition to Tom Allen who performs the Town's drainage review. They have complied with everything staff has requested. Mr. Laird noted that a map was available that indicates the elevations. He further noted that Matt Happel had found an error in regards to lighting. He stated that this should be dark sky compliant. Commissioner Happel stated that there is one letter that needs to be changed in the model number.

Chair Owens stated that he was reviewing the parking lot requirements and it does not address private entities, although it does address public and institutional. Mr. Laird agreed that it does not address a clubhouse or pool, although Williamson County's criteria are one space per every fifteen homes. He stated that this Commission could make that request, although what they have proposed is reasonable. Chair Owens suggested that Williamson County's might need to be incorporated into the Town's criteria. Mr. Laird stated that it would be hard to cover every parking situation, although it will be the Commissions wishes. Commissioner Happel made a motion to approve this site plan, Commissioner Haines seconded.

Commissioner Alexander stated that he observed the trees and landscaping in the public right of way. He further inquired who would be responsible for the upkeep of this property. Mr. Nicky Wells stated that it would be the responsibility of the Homeowners Association. Commissioner Alexander asked if this is a recorded document. It was noted that this is not recorded. Counsel Notestine stated that if it is in the right of way it needs to be reviewed. He stated that he had reviewed the covenants and it states that the open space area will be maintained by the Homeowners Association.

Commissioner Haines made a motion to amend by approving this plan with the conditions of the inclusion of the dark sky correct serial/model number and maintenance requirements to the common area at the entrance and in the right of way to be maintained by the Homeowners Association, Commissioner Riddle seconded. This amendment passed unanimously. The vote was taken for passage as amended, this was unanimously passed.

Sunset Park Subdivision Amenities Center Site Plan

Mr. Bob Haemmerlein, with Tennessee Valley Homes, for Sunset Park introduced himself and stated that research has been performed in regards to parking area and Williamson County's requirements have been followed. He further stated that a small pool with a restroom area is being proposed. He noted that this area would be utilized mainly in the summer months.

Commissioner Wilson stated that the plan indicated that it is enclosed. He asked if it would be locked at night. Mr. Haemmerlein stated that it would be locked. Commissioner Wilson referred to staff's notes that stated there was a drainage issue. Planner Laird stated that was corrected and they have complied with staff's recommendation.

Chair Owens asked for a comparison of this pool to the Greystone pool. He noted that this pool is used frequently. Mr. Haemmerlein stated that this is patterned after the Pope Place in Franklin. He stated that typically there are only three cars in the parking area, although the pool is full. He added that it is not on the plan, although there will be a bike rack. Mr. Haemmerlein stated that they are trying to encourage people to be less dependent upon automobiles. He noted that due to the size of the lots and the price of the homes typically 20% of the homes have their own pool. He stated that if it is determined there is not adequate parking, more parking can be added. He showed the Commission the area that he was referring. He further stated that this area was reserved for a walking trail, although it could be altered to add parking. Commissioner Wilson stated that he commended the walkway going to the pool.

Commissioner Happel commented on the fencing noting that it is contradicting. He noted that one area says 4' and the other area says 4'6". Mr. Haemmerlein said that it should be four foot six inches. Mayor Lothers made a motion to approve this site plan, Commissioner Riddle seconded. This plan passed unanimously.

VII. Subdivision Review:

A variance request on street and sidewalk detail was being made by Jones Company for lots 2307 and 2308, a revised plat for Bent Creek Phase II, Section 3. Mr. Eric McNeely with Developer Cates and Kottas and Mr. Perry Pratt with Jones Company were making this request.

Planner Laird noted that a request had been made to relocate the sidewalk and move it closer to the street. He stated that this is a request from the town's subdivision standards because a home was built on too steep of a lot. Mr. Laird noted that this would be a revision to the plat and staff feels that this problem should have been avoided and does not recommend that it be approved.

Commissioner Alexander asked if the town requires a driveway plan. Mr. Laird stated that this should have been included in the critical lot areas. Commissioner Alexander asked what was the slope requirement. Mr. Laird stated 15%. Commissioner Alexander

commented that percentage was pretty generous and noted that lot 2308 has a home built on it, although the other lot is vacant.

Chair Owens asked if there was anything else that could be done and how could this be avoided in the future. Commissioner Wells inquired to why this was not caught before hand?

Mr. Pratt stated that if this lot had been designated as a critical lot a different approach could have been taken. He noted that there is a drainage swell, in addition to trees in the rear and the house pad could not go any lower. Therefore the result was the steeper drive.

Mr. McNeely stated that there is a recorded document and no lots were designated as critical lots. Mayor Lothers asked if this is not passed what would you do. Mr. Pratt stated that they would do nothing. He noted that they were trying to do this for the homeowner.

Commissioner Riddle stated that this appears you are trying to improve this situation for a homeowner that has already purchased this home. Mr. Pratt stated that is correct, in addition to the adjacent lot.

Alderman Tommy Dugger, 2260 Rolling Hills Drive, asked the Commission if this is a variance why isn't it before the BZA? Chair Owens stated it is because this is a variance request from the Subdivision Regulations. Commissioner Wilson stated that he viewed this and the drive is going straight up. He stated that he felt someone failed for not discovering this through the town and Jones failed by building the wrong home on the lot. He stated that he felt the builder was at fault and the Town was at fault. He further stated that this was not the first time Jones had not done something properly. Mr. Laird stated that the Subdivision Regulations clearly states it is the applicant's responsibility to abide by that document. He further stated that the town will certainly look at it closer from now on, but it is the applicant's responsibility.

Mayor Lothers addressed Mr. Pratt noting that the house was built on lot 2308, although the other lot that the home is not built, what could you do. She stated that she was not comfortable allowing a variance on both. She suggested that maybe these can be treated separately. Mr. Pratt stated that on lot 2307 the building pad would have to be lowered to get elevation between the garage and street lower. Commissioner Alexander asked if that would require a retaining wall. Mr. Pratt stated that there is a possibility a wall would have to be built. Commissioner Alexander stated that he would rather grant the variance for both.

Commissioner Happel asked if there was a way to control the swell behind the home. Mr. McNeely stated that he did not feel the infrastructure should be changed. Commissioner Happel stated that he agreed with Commissioner Alexander.

Commissioner Grosson asked where the mailbox would be located. Mr. Pratt said that he felt it would have to be moved outside the sidewalk and change the taper.

Mayor Lothers made a motion to approve the variance for lot 2308 and defer lot 2307, Commissioner Owens seconded. Commissioner Wilson stated that he felt if one variance is given, both should be approved. Mayor Lothers stated that she would like to be respectful of the homeowner, but allow the builder to come back with a possible alternative for the vacant lot.

Commissioner Wells stated that he agreed with Commissioner Wilson, but he would go along with granting the variance for the home already built. Commissioner Haines stated that he would rather see the two lots lumped together. He said that he feels this will place the responsibility on the homebuilder. He noted that he felt the Town would be better served that the builder comes back with a plan for both lots.

Mayor Lothers asked if it helps at all if one lot is resolved tonight. Mr. Pratt stated that it would allow them to move forward to improve the situation for the homeowner. He stated that the resolution of one lot would have a benefit.

Chair Owens noted that Mr. Laird is correct that it is incumbent upon the applicant to make sure they abide by the code. He asked if there is something the town can do in the future to make sure that the applicant has met all the criteria. Planner Laird stated that it could be looked at closer by the Town, but they are required to designate these lots. He noted that he realizes that we are trying to resolve this for the homeowner, but they have done this before and continue to do this. Mr. Laird stated that the town can review these plans closer, but will need help from the Engineer. Counsel Notestine reiterated that cities require these designations. Commissioner Alexander stated that is what he is accustomed to also. He noted that the lot has an asterisk and a description is placed with the critical lot. He noted that the difference is Nolensville does not have the staff that can review these documents.

Mr. McNeely stated that he was unsure, but it could have been at the threshold, and will look at this in the future.

Chair Owens said that everyone needs to be very diligent in the review. He asked if there was a procedure that could be initiated or should one be established. Counsel Notestine stated that a hard stand could be taken and not issue any building permits until the lots are identified.

Mr. McNeely said that on final plats the asterisks could be placed on the critical lots. Counsel Notestine stated that he wasn't trying to cause Mr. McNeely extra work, but with the grading data this can be noted.

Mr. Laird stated that he felt it was already in the final PUD requirements, although he would need to review to find the correct location.

Mayor Lothers stated that it might be in the town's best interest to allow this conditionally. She stated that the condition could be that Mr. McNeely performs his own inventory audit. She stated that she did not feel that would be too much to ask. Mayor Lothers noted that if there are other slopes that are 15% we would be running into this once again. Mr. McNeely stated that he would have to get with his attorney.

Mayor Lothers made a motion to amend with approval for lot 2308 and defer lot 2307 with the condition that the builder perform an internal audit on the critical lots within the development by the next planning commission meeting. Commissioner Wells seconded. The vote was taken on the amendment with this passing by majority, Commissioner Wilson voted nay. The vote was then taken on original motion with this passing by majority, Commissioners Haines and Wilson voted against.

VIII. Zoning Amendment Proposals:

This is a request to rezone property located at 7154 Nolensville Road, Camron Property, from SR to CS/CCO. Mr. Jackie Bennett, 2876 Thompson Station Road, with Kellen-Williams Real Estate was in attendance to answer the Commissions questions.

Planner Laird stated that this request is for approximately 11 acres presently zoned SR and is requesting to rezone to CS/CCO. He noted that this would be compatible with the other properties in addition to the Land Use Plan.

Chair Owens made a motion to approve, Commissioner Riddle seconded, and this passed unanimously.

This is a request to rezone property located at the corner of Nolensville and Sunset Road, Parcel 35, Map 56, located at NW Corner of Nolensville Road and Sunset Road; Mr. Ken Kelley is the current property owner with a request to rezone from ER to CS/CCO. Mr. Doug Cutler, the purchaser and developer of this property was in attendance to answer questions from the Commission.

Planner Laird stated that this is approximately 15 acres at the corner of Sunset and Nolensville Road. He stated that it is compatible with the Land Use Plan. He noted that studies have been performed by the developer in regards to flood plain at this location.

Chair Owens made a motion to approve, Commissioner Happel seconded, and this rezoning request passed unanimously.

VIII. Old business:

Mr. Laird reported from the last Board of Mayor and Aldermen meeting. He noted the following:

- Public hearing was held on ordinance #07-07

- Second reading on the village lot standards was deferred
- Second reading in regards to structure being permitted within the building envelope was deferred.
- First reading in regards to the Architectural Design for the OI was deferred.

Chair Owens ask that Alderman Dugger comment. Alderman Dugger noted there was some discussion on sending the ordinance in regards to the square footage in the Historic District back to the Planning Commission. He noted he was against that due to it already being before this Commission.

X. Other Business

Monthly Bond report

Planner Laird noted that everything was up to date in regards to the bonds. He further noted that Ballenger Farms would be due at the end of October. The Town has contacted them in regards to this issue.

Chair Owens made a motion to approve the bond report, Commissioner Riddle seconded, and this passed unanimously.

IX. Adjournment

The meeting adjourned at 8:22 p. m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Matt Happel
Planning Commission Secretary